

CALLED EXECUTIVE SESSION

PURSUANT TO THE AUTHORITY OF TENNESSEE CODE ANNOTATED, WE HEREBY CALL AN EXECUTIVE SESSION TO MEET IN THE CONFERENCE ROOM, CITY HALL ON MARCH 12, 2015 AT 4:00 P.M. TO CONSIDER THE FOLLOWING MATTERS:

1. Call to Order
2. Consideration of motion to enter into Executive Session with the City Attorney and outside Legal Counsel for the purpose of reviewing two (2) matters of pending litigation.
3. Adjourn

Mayor Wallace Cartwright

Mayor Wallace Cartwright called the meeting to order at 4:05 p.m. Roll was called and the following were present: Councilmember Feldhaus, Councilmember Meek, Councilmember Rose, Councilmember Christie, Councilmember Pruitt, and Councilmember Landers. Also present were City Manager Jay Johnson, City Attorney Ginger B. Shofner, City Treasurer Jamey Owen, Police Chief Jan Phillips, Deputy Chief Mike Rogers, Outside Legal Counsel Kristen Berexa, and City Recorder Shanna Boyette.

Councilmember Feldhaus made a motion to enter into Executive Session with the City Attorney and outside Legal Counsel for the purpose of reviewing two (2) matters of pending litigation. The motion was seconded by Councilmember Meek and carried unanimously upon oral vote.

Councilmember Pruitt made a motion to adjourn the meeting, seconded by Councilmember Feldhaus, and carried unanimously upon oral vote. The meeting adjourned at 4:55 p.m.


APPROVED:


WALLACE CARTWRIGHT, MAYOR

ATTEST:


SHANNA BOYETTE, CITY RECORDER

APPROVED AS TO FORM:


GINGER B. SHOFNER, CITY ATTORNEY

City Council Meeting Minutes

The Shelbyville City Council met in Regular Session on March 12, 2015 at the City Hall Annex. Mayor Cartwright called the meeting to order at 6:00 p.m. The Invocation was given by Brother Brain Nerren and the Pledge of Allegiance was led by the City Council. Roll was called and the following Council Members were present: Council Member Landers, Council Member Meek, Council Member Rose, Council Member Pruitt, Council Member Christie, and Council Member Feldhaus. Also present were City Manager Jay Johnson, City Treasurer Jamey Owen, City Attorney Ginger B. Shofner, and City Recorder Shanna Boyette. A quorum was declared and the meeting opened for business.

The first item of business was to adopt the Agenda. Mayor Cartwright called for any items to be added or removed from the Agenda. City Manager Johnson declared that there were six (6) items to be added to the Agenda and one (1) to be removed. The added items were as follows:

1. A request to declare surplus to City needs and donated to Bell Buckle Police Department an older model in-car video camera
2. Letter of commitment for SAFER Grant application on behalf of the Shelbyville Fire Department
3. Clarification request of Alarm Ordinance fee waiver period for non-compliance
4. Consideration of a motion to authorize Mayor to execute Inter-Local Agreement with the 17th Judicial District Task Force
5. Consideration of a motion to acknowledge approval of King Lease as recommended by the Shelbyville Airport Authority Board.
6. Consideration of a motion to acknowledge approval of Refueler Agreement for Fuel Truck at the Shelbyville Airport as recommended by the Shelbyville Airport Authority Board contingent of City Attorney Review.

The only item to be removed was Resolution amending the City Storm Water Management Manual to adopt regulations regarding buffer zones and Long Term Maintenance plan agreement per TDEC requirements.

Council Member Landers made a motion to amend the Agenda, seconded by Council Member Meek, and approved unanimously upon oral vote. Council Member Meek made a motion to approve the Agenda, seconded by Councilmember Pruitt, and carried unanimously upon oral vote.

The next item of business was approval of the minutes from the previous Regular Session meeting of February 12, 2015. Councilmember Pruitt made a motion to approve the minutes, seconded by Councilmember Rose, and carried unanimously upon oral vote.

Mayor Cartwright closed the meeting at 6:04 p.m. and declared a Public Hearing on the following Ordinances:

- An Ordinance to amend the Budget Ordinance of the City of Shelbyville, Tennessee for the fiscal year 2014-2015, the period ending June 30, 2015
- An Ordinance of the Shelbyville City Council (as amended) to amend the Shelbyville Municipal Code Title 11 "Planning and Zoning, Chapter 2 "Zoning Ordinance", Section 11-201 "Land Use to be governed by Zoning Ordinance", by repealing it with the text of the substantially revised "Prospective Zoning Ordinance" contained herein, as approved and recommended by the Shelbyville Planning Commission and further repealing any Ordinance or part of an Ordinance in conflict herewith
- An Ordinance amending the Shelbyville Municipal Title 8, Chapter 3, (Wastewater Collection and Treatment)

Mayor Cartwright called for discussion and comments for each Ordinance. There were no comments or discussion in regards to the Ordinance to amend the Budget Ordinance or the Ordinance to amend the Shelbyville Municipal Code, Title 8, Chapter 3, (Wastewater Collection and Treatment).

There were comments provided on the Zoning Ordinance in regards to Telecommunication Towers specifically. Attorney Matt Harris was present to provide comments on behalf of his

client Verizon Wireless. Mr. Harris provided comments on the following sections of the Ordinance and requested review by Council and City staff prior to the adoption of Ordinance.

The sections commented on were:

Section 7.4 B1 in regards to search areas and limitation requests of search areas and the City's ability to manage and carrier's compliance abilities.

Request for deleting/defining or negotiate for 60 days on alternate locations and requested a good faith without time frame requirement

Subsection 9G Surety Bond requirement for tower removal. Comments provided were that this section is unnecessary and recommended removal.

Supplemental Section 4 (L) Inventory requirement of existing sites; Recommended provision limit to be within "x" amount of miles to the new tower

Section 4.2 Request for report of recognized expert or Radio Frequency Engineer recommendation rather to satisfy certification requirements, radius limit review of 2 miles as written in document

Section 5.1 Question of 150% height tower fall zone and if this is a requirement of all structures being built

Section 5.4 (a) Stealth Design comments of reconsideration for mandate of such design in particular zones.

Section 7 Comments on Liability Insurance and recommended removal of provision, comments provided that it could be considered discriminatory.

Section 8 Failure to comply inquired on the need for this section in its entirety as the tower companies or regulated heavily and questions immediate removal of tower without due process Emergency management plans= recommends only contact information should be provided

Section 12 (b) 60 Day removal of tower requirement; recommends should be extended 270 days

City Manager Johnson requested the comments be submitted to City Staff in writing for review of which Matt Harris agreed upon. There being no further comments, Mayor Cartwright closed the Public Hearing and declared the meeting open for business at 6:31 p.m.

Councilmember Landers made a motion to allow the City Attorney to read caption only for Ordinances. The motion was seconded by Councilmember Pruitt and carried unanimously upon oral vote.

Items of Old Business were then in order.

There were four Ordinances on Third and Final Reading.

An Ordinance as amended to annex into the City of Shelbyville certain area containing eighty eight acres located on Frank Martin Rd was the first Ordinance for consideration.

Councilmember Rose made a motion to approve, seconded by Councilmember Feldhaus, and carried unanimously upon roll call vote. City Manager Johnson commented that the effective date of the Ordinance is fifteen days from the adoption of the Ordinance on Third and Final Reading. Councilmember Feldhaus inquired on the annexation date and agreement with the Bank. City Manager Johnson advised that this was a TVA requirement and if nothing goes through the property can be deannexed.

The next item of business was an Ordinance to zone eighty eight acres located on Frank Martin Rd. as L-1 Industrial. Councilmember Christie made a motion to approve, seconded by Councilmember Meek, and carried unanimously upon roll call vote. There was no discussion of this item.

The next item of business was an Ordinance of the City of Shelbyville Municipal Code, Title 10, Chapter 2, Sections 10-207 and 208 (Weapons and Firearms generally of weapons) and to repeal any Ordinance or portion of an Ordinance in conflict herewith. Councilmember Landers made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon roll call vote. There was no discussion of this item.

The next item on the Agenda was an Ordinance of the City of Shelbyville to amend Title 2, Chapter 2, Beer as amended and to repeal any Ordinance or portion of an Ordinance in conflict herewith. Councilmember Feldhaus made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon roll call vote.

There were four Ordinances on Second Reading for consideration.

An Ordinance to amend the Budget Ordinance of the City of Shelbyville, Tennessee for the fiscal year 2014-2015 the period ending June 30, 2015 was the next item on the Agenda. Councilmember Meek made a motion to approve, seconded by Councilmember Rose, and approved unanimously upon roll call vote.

The next item on the Agenda was an Ordinance of the Shelbyville City Council (as amended) to amend the Shelbyville Municipal Code Title 11 "Planning and Zoning, Chapter 2 "Zoning Ordinance", Section 11-201 "Land Use to be governed by Zoning Ordinance", by repealing it with the text of the substantially revised "Prospective Zoning Ordinance" contained herein, as approved and recommended by the Shelbyville Planning Commission and further repealing any Ordinance or part of an Ordinance in conflict herewith. Councilmember Rose made a motion to approve the Ordinance, seconded by Councilmember Landers, and carried unanimously upon roll call vote. Mayor Cartwright called for comments and discussion. Councilmember Feldhaus inquired on options before the Council in regards to said Ordinance as it relates to comments provided at the Public Hearing. Options discussed were to proceed with Ordinance as approved and implement any necessary revisions prior to the Third and Final Reading or extract the portion of the document in reference to cell towers and proceed with the balance of the Ordinance; City Attorney Shofner provided comments that any amendments to the prospective document would require an additional Public Hearing. Final option discussed was deferring the Ordinance. Councilmember Feldhaus made a motion to amend the Ordinance by removing Articles 4 and 7 pertaining to Cell Towers and establishing a Public Hearing of April 9th for the balance of the Ordinance. The motion was seconded by Councilmember Christie and carried unanimously upon roll call vote.

An Ordinance amending the Shelbyville Municipal Code Title 8, Chapter 3, (Wastewater Collection and Treatment) was the next item of consideration. Councilmember Feldhaus made a motion to approve, seconded by Councilmember Landers, and carried unanimously upon roll call vote.

The next item on the Agenda was an Ordinance to amend the City Code of Ordinances Title 3 Chapter 2, (Dogs and Cats): to repeal any and all Ordinances or parts of Ordinances in conflict herewith. Councilmember Rose made a motion to defer for 60 days, seconded by Councilmember Pruitt, and carried unanimously upon oral vote.

Items of New Business were then in order.

There was one Ordinance on First Reading.

An Ordinance of the Shelbyville City Council to amend the Zoning Map of the City of Shelbyville by rezoning nine parcels on Madison Street between Deery Street and Alton Ave. to C-2 and repealing any Ordinance or portion of an Ordinance in conflict herewith as recommended by the Shelbyville Planning Commission was the next item of business. Councilmember Feldhaus made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon roll call vote.

Resolutions were then in order.

A Resolution amending the Planning and Zoning Fee Schedule to clarify and define fees for Combination of Parcels was the next item on the Agenda. Councilmember Pruitt made a motion to approve, seconded by Councilmember Rose, and carried unanimously upon roll call vote.

The next item on the Agenda was a Resolution authorizing the Issuance of General Obligation Business Park Capital Outlay Notes in the aggregate principal amount not to exceed \$600,000 of the City of Shelbyville, Tennessee, making provision for the issuance, sale, and payment of said notes; establishing the terms thereof and the disposition of proceeds therefrom; and providing for the levy of taxes for the payment of principal of, premium, if any, and interest of the Notes. Councilmember Meek made a motion to authorize City Attorney to read caption only for said Resolution. The motion was seconded by Councilmember Pruitt and was approved unanimously upon oral vote. Councilmember Landers made a motion to approve, seconded by Councilmember Christie, and carried unanimously upon roll call vote.

A Resolution authorizing and directing City Attorney to file the 2013 tax bills for the collection of all delinquent taxes for that year was the next item on the Agenda. Councilmember Feldhaus made a motion to approve, seconded by Councilmember Meek, and carried unanimously upon roll call vote.

Business Items were then in order.

Councilmember Meek made a motion to approve the Accounts Payable for February 2015. The motion was seconded by Councilmember Rose and carried unanimously upon roll call vote.

Mayor Cartwright declared the Treasurer and Various Departmental Reports would be received as submitted.

Consideration of a motion to approve the Inter-Local Agreement with Bedford County on Commerce Business Park; motion to authorize Mayor to execute agreement concurrent with County approval was the next business item. Councilmember Landers made a motion to approve, seconded by Councilmember Feldhaus, and carried unanimously upon roll call vote.

Consideration of a motion authorizing city staff to submit letter to applicant in regards to request to abandon ½ of the alleyway for 141 Collier was next on the Agenda. Councilmember Landers made a motion to approve, seconded by Councilmember Rose, and carried unanimously upon oral vote.

Consideration of a motion authorizing Professional Services Agreement with Acuff & Associates for Employee Defined Benefit Pension Plan Administration Services was the next item on the Agenda. Councilmember Pruitt made a motion to approve, seconded by Councilmember Landers, and carried unanimously upon roll call vote.

Bids were the next item on the Agenda.

Consideration of a motion to accept lowest/best bid pending TDOT concurrence on Depot Street Sidewalk Improvements was the only Bid Item on the Agenda. City Manager Johnson explained due to the recent inclement weather the Engineers and TDOT have not had an opportunity to evaluate and staff proposed this item be deferred until April. Councilmember Landers made a motion to defer until April, seconded by Councilmember Pruitt, and carried unanimously upon roll call vote.

Mayor Cartwright then appointed Councilmember Christie to the Senior Citizens Board. Councilmember Christie will serve on the Board in lieu of Councilmember Pruitt. In addition, Citizen Brian Nerren was appointed to the Board of Zoning Appeals in lieu of Mayor Cartwright and Councilmember Feldhaus was appointed to the Board of Zoning Appeals in lieu of Councilmember Christie.

Non-Agenda items were then before the Council for consideration.

Consideration of a motion of request to declare surplus to City needs and donated to Bell Buckle Police Department an older model in-car video camera was the next item. Councilmember Meek made a motion to approve, seconded by Councilmember Rose, and carried unanimously upon roll call vote.

The next item was authorization to allow submittal of letter of commitment for SAFER Grant Application on behalf of the Shelbyville Fire Department. City Manager Johnson provided comments and summarization of the SAFER Grant and that said grant would allow for 3 personnel for the Fire Department. Councilmember Rose made a motion to approve, seconded by Councilmember Meek, and carried unanimously upon roll call vote.

The next item on the Agenda was clarification requested by city staff in regards to Alarm Ordinance fee waiver period non compliance. City Manager Johnson and City Recorder Boyette requested clarification on the amendment in regards to penalty for existing alarm holders that do not comply with the registration requirement within 180 days. Councilmember Christie clarified and provided comments that penalty referenced in the amendment was that the existing alarm holder must pay the registration fee if the registration paperwork is not filed within the first 180 days. This item did not require a vote.

The next item on the Agenda was consideration of a motion authorizing Mayor to execute Inter-local Agreement with the 17th Judicial Task Force. Councilmember Landers made a motion to approve, seconded by Councilmember Feldhaus, and carried unanimously upon oral vote.

The next item was approval of the King Lease as recommended and approved by the Airport Authority Board. Councilmember Christie made a motion to approve, seconded by Councilmember Feldhaus, and approved unanimously upon roll call vote.

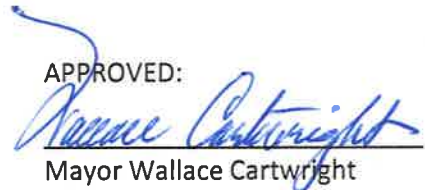
The final item of business was approval of the Refueler Agreement as recommended and previously approved by the Shelbyville Airport Authority Board contingent upon City Attorney Review. Councilmember Feldhaus made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon roll call vote.

Announcement was made that the Bedford County Ministerial Association would be hosting an event on Palm Sunday at 6:00 p.m. at the First Methodist Church and encouraged and invited all City Leaders to attend as well as all citizens.

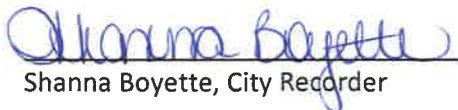
In addition City Attorney Shofner announced that the deadline for 2013 City Taxes to be paid prior to lawsuit being filed at the Clerk & Masters Office is March 26, 2015 at 4:00 p.m. All 2013 taxes may still be paid at City Hall until March 26, 2015 at 4:00 p.m.

There being no additional business to come before the Council, Mayor Cartwright adjourned the meeting at 7:10 p.m.

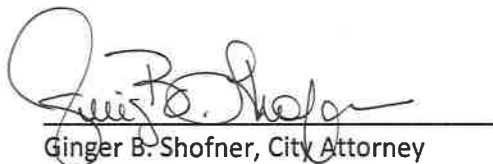
APPROVED:


Mayor Wallace Cartwright

ATTEST:


Shanna Boyette, City Recorder

APPROVED AS TO FORM:


Ginger B. Shofner, City Attorney

CALLED EXECUTIVE SESSION

PURSUANT TO THE AUTHORITY OF TENNESSEE CODE ANNOTATED, WE HEREBY CALL AN EXECUTIVE SESSION TO MEET IN THE CONFERENCE ROOM, CITY HALL ON MARCH 31, 2015 AT 7:10 P.M. TO CONSIDER THE FOLLOWING MATTERS:

1. Call to Order
2. Consideration of motion to enter into Executive Session with the City Attorney to discuss potential matters of litigation
3. Adjourn


Mayor Wallace Cartwright

City Attorney Ginger B. Shofner called for an Executive Session with the Mayor and City Council. Mayor Cartwright, Councilmember Feldhaus, Councilmember Christie, Councilmember Rose, Councilmember Pruitt, Councilmember Meek, and Councilmember Landers were all present. Also present were City Manager Jay Johnson, City Recorder Shanna Boyette, and City Treasurer Jamey Owen. The meeting adjourned at approximately 8:40 p.m.

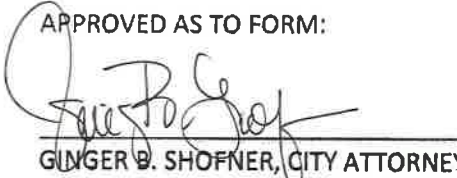
APPROVED:


WALLACE CARTWRIGHT, MAYOR

ATTEST:


SHANNA BOYETTE, CITY RECORDER

APPROVED AS TO FORM:


GINGER B. SHOFNER, CITY ATTORNEY

City Council Meeting Minutes

The Shelbyville City Council met in a Special Called Session on March 31, 2015 at City Hall Annex. Mayor Cartwright called the meeting to order at 5:30 p.m. Roll was called and the following members were present: Councilmember Christie, Councilmember Landers, Councilmember Meek, Councilmember Rose, Councilmember Feldhaus, and Councilmember Pruitt. Also present were City Manager Jay Johnson, City Attorney Ginger B. Shofner, City Treasurer Jamey Owen, and City Recorder Shanna Boyette.

The first item of business was the approval of the Agenda. There being no items to add or remove, Councilmember Landers made a motion to approve the Agenda, seconded by Councilmember Meek, and carried unanimously upon oral vote.

Items of New Business were then in order.

Consideration of Bid Award for Depot Street Sidewalk Enhancement Project was the first item of New Business. Councilmember Feldhaus made a motion to approve the Bid Award, seconded by Councilmember Landers, and approved unanimously upon roll call vote. City Manager provided comments on the Bid Award. Bids were opened on March 10, 2015. Curl Construction was the low bid. The bid was reviewed by Wiser Engineering and Tennessee Department of Tennessee.

The next item on the Agenda was Consideration of amending agreement with TDOT for Depot Street Project in the amount of \$5838.00. City Manager Johnson explained that an amendment for local share increase of 20% was requested. The project has been approved by Tennessee Department of Transportation with City amending costs. The additional increase amendment will be taken from the State Road Project Fund. Councilmember Feldhaus made a motion to approve the amended agreement, seconded by Councilmember Rose, and carried unanimously upon roll call vote.

The final item of business was consideration of a motion to approve Change Order #1 for Wright Paving Construction, Fairfield Pike/U.S. 437 By-Pass Safety Improvements. City Manager Johnson and Public Works Director Mark Clanton gave a brief overview of report on project. The change order request could speed up project by ten (10) weeks. It will be an additional \$3735.00 and would be available through the City State Street Aid Fund. Councilmember William Christie made a motion to approve, seconded by Councilmember Pruitt, and carried unanimously upon roll call vote. Public Works Director provided additional comments in regards to the improvements. The By-pass improvements will include flashing light and new signage including stop signs. It will give the appearance of a red light signal and restriping will also be needed.

There being no further business, Mayor Cartwright made adjourned the meeting at 5:40 p.m.

APPROVED:


Wallace Cartwright, Mayor

ATTEST:


Shanna Boyette, City Recorder

APPROVED AS TO FORM:


Ginger B. Shofner, City Attorney